IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11408 of 2004

Between:
Jangumilli Subba Rao, S/o Lakshmaiah,
R/o Ramachandrapuram (v), 8th Ward, Jangareddigudem, West Godavari District.

..... PETITIONER

AND

1) The District Collector, West Godavari District at Eluru.
2) The District Panchayat Officer, Eluru, West Godavari District.
3) The Revenue Divisional Officer, Jangareddigudem Division, West Godavari District.
4) Mandal Revenue Officer, Jangareddigudem (M), West Godavari Dist.
5) Jangareddygudem Grampanchayat, rep. by its Secretary, Jangareddigudem (M), West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not removing the encroachments and not preventing the new encroachments being come in the Pakanatikunta tank admeasuring about Ac. 5.20 cents in Sy.No. 476 of Ramachandrapuram, H/o Jangareddigudem grampanchayat, West Godavari District is illegal, irregular and violative of Articles 14, 19 and 21 of the Constitution of India and also provisions of A.P. Panchayatraj Act and Rules framed there under and consequently direct the respondents to remove the encroachments from the said tank, restore and protect the tank in the interest of justice, and pass such orders.

For the Petitioner:MR.SATYANARAYANA NIMMAGADDA - Advocate

For the Respondent Nos 1 to 4 : GP FOR PANCHAYAT RAJ & RURAL DEV.

For Respondent No. 5 : Mr.Srinivas Dammalapati, Advocate.

The Court at the admission stage made the following :

ORDER:

The present writ petition is filed questioning the action of the respondents in not removing the encroachments and not preventing the new encroachments at Pakanatikunta tank admeasuring about Ac.5-20 cents in Survey No.476, Ramachandrapuram, Jangareddigudem Gram Panchayat, West Godavari district.

It is stated that the petitioner and other washer men of Ramachandrapuram village have been using the water in the said tank for the purpose of washing, and thereby eking out their livelihood. The petitioner alleges that the tank bed area was encroached and no action was taken by the respondent authorities to remove the encroachments. That the washer-men of Ramachandrapuram made a representation dated 27.2.2004 to the third respondent-Revenue Divisional Officer, Jangareddigudem requesting him to take necessary action for removal of the encroachments from the tank, and restore the same to its originality. Since, no action is forthcoming, the present writ petition is filed.

Heard the learned counsel for the petitioner, and the learned Government Pleader. Both the counsel have agreed for disposal of the writ petition at the admission stage with the following direction:

In the circumstances, the third respondent is directed to consider the representation submitted by the washermen of Ramachandrapuram dated 27-2-2004, enquire into the matter and take appropriate action in accordance with law against the encroachers, if any.

With the above directions, the writ petition is disposed of.

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7.7.2004 N.V.RAMANA, J

Rar/Tvk

To

1) The District Collector, West Godavari District at Eluru.
2) The District Panchayat Officer, Eluru, West Godavari District.
3) The Revenue Divisional Officer, Jangareddigudem Division, West Godavari District.
4) Mandal Revenue Officer, Jangareddigudem (M), West Godavari

District.

5) The Secretary, Jangareddigudem Grampanchayat Jangareddigudem (M), West Godavari District.
6) 2CCs to G.P for Panchayatraj & Rural Development, High Court Buildings, Hyderabad.
7) 2 CD copies